

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

	x	
R AND A SYNERGY, LLC)	
)	
AND)	
)	
MAGIC TAP, LLC)	
)	
)	
Plaintiffs,)	
)	
v.)	
)	
IDEAVILLAGE PRODUCTS CORP.)	
)	
AND)	CIVIL ACTION NO.:
)	
NANCY STEVENS)	
)	
AND)	
)	
STEVENS & DELAIRRE, LLC)	
)	
AND)	
)	
JOHN DOE)	
)	
Defendants.)	
	x	

COMPLAINT

Plaintiffs R and A Synergy, LLC (“R and A”) and Magic Tap, LLC (“Magic Tap”), for their Complaint against Defendants IdeaVillage Products Corp. (“IdeaVillage”), Nancy Stevens (“Ms. Stevens”), Stevens & Delairre, LLC (“Stevens & Delairre”), and John Doe, state and allege as follows:

I. NATURE OF THE ACTION

1. This is an action for patent infringement.
2. R and A owns all right, title and interest in and to, US Design Patent 646,869 (the ‘869 Patent), titled Garment, issued on October 18, 2011. A copy of the patent is attached hereto as Exhibit A.
3. R and A and Magic Tap allege that Defendants have been and are infringing, contributing to the infringement of, and/or actively inducing others to infringe the claim of the ‘869 Patent.
4. R and A owns all right, title and interest in and to, US Design Patent 663,925 (the ‘925 Patent), titled Garment, issued on July 24, 2012. A copy of the patent is attached hereto as Exhibit B.
5. R and A and Magic Tap allege that Defendants have been and are infringing, contributing to the infringement of, and/or actively inducing others to infringe claim of the ‘925 Patent.
6. R and A owns all right, title and interest in and to, US Patent Publication 2010/0199403 (the ‘403 Patent), titled Reversible Sleeved Garment Accessory, published on August 12, 2010. A copy of the patent publication is attached hereto as Exhibit C.

7. R and A and Magic Tap allege that Defendants have been and are infringing, contributing to the infringement of, and/or actively inducing others to infringe the allowed claims of the '403 Patent.

II. JURISDICTION AND VENUE

8. This claim arises under the United States patent laws, 35 U.S.C. § 1 *et seq.*

9. The Court has original jurisdiction over this action pursuant to 28 U.S.C. §§ 1331 and 1338(a).

10. Venue is proper in this district pursuant to 28 U.S.C. § 1391 and 1400(b).

III. PARTIES AND JURISDICTION

11. Plaintiff R and A is a limited liability company organized and existing under the laws of the State of California with a principal place of business in Riverside, California.

12. Plaintiff Magic Tap is a limited liability company organized and existing under the laws of the State of Delaware with a principal place of business in Cleveland, Ohio.

13. Magic Tap is the exclusive licensee of the '869 Patent, the '925 Patent and the '403 Patent.

14. Upon information and belief, Defendant IdeaVillage is a New Jersey corporation, having a principal place of business in Wayne, New Jersey.

15. Upon information and belief, IdeaVillage is a retailer of general merchandise and mail order products offered for sale on its website at www.ideavillage.com.

16. Upon information and belief, IdeaVillage offers for sale and sells products in the state of Ohio, including the Northern district of Ohio.

17. Upon information and belief, Defendant IdeaVillage is the owner of the domain name www.getamazingarms.com as seen in the WHOIS domain registration information, attached hereto as Exhibit D.

18. Upon information and belief, John Doe is a business entity of unknown form, located in Los Angeles County, California, and, more specifically, operates out of Pacoima, California.

19. Upon information and belief, John Doe, is a retailer of women's garments, namely, sleeved undergarments, including the garment product AMAZING ARMS.

20. Upon information and belief, John Doe, advertises and sells the garment product AMAZING ARMS through the website www.getamazingarms.com.

21. Upon information and belief, John Doe offers for sale and sells the garment product in the state of Ohio, including the Northern district of Ohio.

22. Upon information and belief, Ms. Stevens is a resident of the State of New York and has an address of 142 West End Avenue, Apartment 24U, New York, NY 10023.

23. Upon information and belief, Stevens & Delairre is a limited liability company organized and existing under the laws of the State of New York with a principal place of business at 142 West End Avenue, Apartment 24U, New York, NY 10023, which place of business is believed to be same as the residence of Ms. Stevens.

24. Upon information and belief, Ms. Stevens is the registered agent of Stevens & Delairre

25. Upon information and belief, Ms. Stevens and Stevens & Delairre have entered into an agreement with IdeaVillage and John Doe to supply garments or to authorize IdeaVillage and John Doe to obtain garments to be offered for sale and sold under the brand AMAZING ARMS

through the website www.getamazingarms.com.

26. IdeaVillage, Ms. Stevens, Stevens & Delairre and John Doe are subject to the personal jurisdiction of this Court in that IdeaVillage, Ms. Stevens, Stevens & Delairre and John Doe do business within the state of Ohio, including the Northern District of Ohio.

IV. FACTUAL BACKGROUND

27. R and A is a family owned and operated business and an innovator in the garment business.

28. R and A is a designer, distributor and manufacturer of women's garments, namely, sleeved undergarments.

29. R and A advertises, markets and manufactures garments under the '869 Patent, the '925 Patent and the '403 Patent under the brand name SLEEVEY WONDERS, which is the subject of U.S. Trademark Registration No. 3,890,712.

30. On information and belief, Defendants are manufacturing, using, selling and/or offering for sale a garment product Amazing Arms, which is virtually identical to the claimed design of the '869 Patent and the '925 patent, and the allowed claims of the '403 Patent.

31. The Amazing Arms product is being offered for sale and sold at www.getamazingarms.com. A copy of the Amazing Arms product as it appears on the website is attached hereto as Exhibit E.

32. The customer service address on the listed on the website [www.getamazing arms.com](http://www.getamazingarms.com) is listed as Amazing Arms, 10303 Norris Ave., Pacoima, CA 91331. The telephone number listed is 877-833-7685 which is believed to be a telemarketer number associated with a number of "as seen on TV" products.

33. Plaintiffs cannot distinguish the relationship between Defendant IdeaVillage and the operator of the website www.getamazingarms.com selling the Amazing Arms product and doing business out of Pacioma, CA.

34. R and A has given Defendants notice of the '869 Patent in accordance with 35 U.S.C. § 287 by marking their product and providing notice of the patents on their respective website at www.sleeveywonders.com.

35. R and A also wrote a cease and desist letter to Defendants on June 15, 2012 which informed Defendants of the infringement of the claim of the '869 Patent (Exhibit E). The June 15th letter also included a complaint for patent infringement against Defendants that was filed, but not officially served on Defendants.

36. After receipt of the June 15th letter, Defendants removed the garments from the website www.getamazingarms.com.

37. In 2012, Magic Tap entered into an exclusive license agreement to offer to sell and sell garments that are currently offered by R & A and which are covered by the claims of the '869 Patent, the '925 patent, and the '403 Patent.

38. Sometime in late 2012, Plaintiffs noted that garments were once again available for sale on the website www.getamazingarms.com.

39. On January 18, 2013, Plaintiffs sent another cease and desist letter to Defendants notifying the Defendants of the patent rights of Plaintiffs that are defined in the claim of the '869 Patent and the '925 Patent, and the allowed claims of the '403 Patent.

**CAUSE OF ACTION FOR
PATENT INFRINGEMENT**

(Against All Defendants)

40. Plaintiff realleges the allegations of Paragraphs 1 through 39 as if fully set forth herein.

41. Defendants have been and are currently directly and intentionally infringing the claim of the '869 Patent and the '925 Patent, and the allowed claims of the '403 Patent by manufacturing, using, selling and/or offering for sale the Amazing Arms product.

42. Plaintiffs have been damaged by Defendants' activities and will be irreparably harmed by damage to their reputation and the exclusivity of their products unless such infringing activities are enjoined by this Court.

43. Plaintiffs have been damaged by Defendants intentional and deliberate infringements in that Plaintiffs have lost product sales and business opportunities in an amount to be proven at trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray that the Court enter a judgment against the Defendants IdeaVillage, Ms. Stevens, Stevens & Delairre and John Doe, jointly and severally, and their respective officers, agents, servants, employees, attorneys, and all those persons in active concert or participation with Defendants, as follows:

1. Enter a judgment that Defendants have directly infringed, induced or contributorily infringed the claim of the '869 Patent by advertising and selling the Amazing Arms product;

2. Enter a judgment that Defendants have directly infringed, induced or contributorily infringed the claim of the '925 Patent by advertising and selling the Amazing Arms product;

3. Enter a judgment that Defendants have directly infringed, induced or contributorily infringed the allowed claims of the '869 Patent by advertising and selling the Amazing Arms product;

4. Order Defendants to pay all actual damages suffered by Plaintiffs as provided by law;

5. Find that Defendants' patent infringement was willful and malicious and award treble damages to Plaintiffs pursuant to 35 U.S.C. § 284;

6. Enter a judgment and order for preliminary and permanent injunctive relief against Defendants, their agents, representatives, employees and those acting in concert with them, to prevent and restrain Defendants from:

A. Continuing and/or pursuing the acts described and complained of in this action; and,

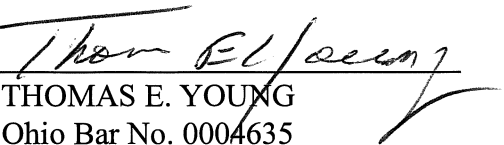
B. Continuing to make and sell the infringing products and services;

7. Enter a judgment and order for preliminary and permanent injunctive relief against Defendants, their agents, representatives, employees and those acting in concert with them, to account for and to destroy all products infringing the claim of the '869 Patent, the claim of the '925 Patent, and the allowed claims of the '403 Patent;

8. Enter an order directing Defendants to file a report detailing all measures taken to comply with the injunction within thirty days (30) of the Court's injunction;

9. Award Plaintiffs the full costs of this action, including attorneys' fees as allowed by Title 35 of the United States Code;

10. Award all such other relief as the Court deems just and proper.

By 
THOMAS E. YOUNG

Ohio Bar No. 0004635

BRIAN E. TURUNG

Ohio Bar No. 0052034

FAY SHARPE LLP

The Halle Building, 5th Floor

1228 Euclid Avenue

Cleveland, OH 44115-1843

Telephone: 216-363-9000

Attorneys for Plaintiffs

R and A Synergy, LLC

Magic Tap, LLC